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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORLTAND DIVISION

NABIL KHLAFA,

Case No. 3:23-cv-01013-SI

Plaintiff,

PLAINTIFF'S LETTER
TO SHOW CAUSE

vs

OREGON HEALTH AND SCIENCE UNIVERSITY,

Defendant,

The Honorable Michael H. Simon

I am writing in response to the Court's Order to Show Cause regarding potential sanctions for errors in referencing cases in my motion to file a second amended complaint. I respectfully request that the Court reconsider imposing sanctions for the following reasons:

1. Pro Se Plaintiff with No Legal Training: As a pro se plaintiff, I lack formal legal education and training. My legal knowledge is limited to what I can access through internet searches and public resources. Without professional legal

guidance, navigating complex legal procedures and case law is particularly challenging. I believed that the cases cited were valid and applicable to my arguments and therefore utilized them to support my case. I had no intention of misleading the court. My only intent was to support my legal claims. I have made efforts to hire attorneys to represent me in this matter but have been unsuccessful.

2. Disparity in Legal Representation: Defendants are represented by a prestigious law firm and a highly experienced attorney with over 30 years of defending employers in similar cases. Additionally, two experienced employment attorneys are among the defendants. This significant disparity in legal expertise places me at a substantial disadvantage.

3. Language Barrier: English is my third language, and it presents significant challenges in understanding, writing, and comprehending legal documents and terminology. Considering that English is my fourth language learned and third in terms of fluency, this language barrier may have contributed to any unintentional errors in my legal filings.

4. Mental Health Disability: At 58 years old, I am managing a severe mental health disability that significantly impacts my focus, analytical abilities, and overall cognitive function. This disability further complicates my ability to effectively represent myself in this legal matter.

5. Concurrent Legal Proceedings: I am currently involved in another lawsuit against my former attorney, who provided inadequate legal advice during my employment termination by OHSU. This ongoing litigation has diverted my attention and resources, complicating my ability to fully concentrate on the current

case. The legal issues involved in an ADEA claim, especially when combined with additional allegations like attorney misconduct and fraudulent inducement, are inherently complex. This complexity increases the likelihood of procedural errors by a non-lawyer.

6. Employment Trial Period:

On the first of August this year, I started working for a state of Oregon compliance agency, the Oregon Bureau of Labor and Industries (BOLI), as a Senior Civil Rights Investigator. I am currently in a trial period for this new job, which requires my full commitment and involves a considerable learning process. Balancing the demands of my new employment with the requirements of this lawsuit has been exceedingly difficult. Nevertheless, I am determined to succeed in this position to help Oregonians who have been subjected to discriminatory treatment based on their protected classes.

7. Importance of the Case: I emphasize the significance of this case not only for myself personally but also for its broader implications for age discrimination and the rights of older workers. Imposing sanctions on me could discourage other pro se plaintiffs from pursuing legitimate claims due to the fear of making mistakes.

8. Efforts to Seek Legal Counsel: I have made tremendous efforts to secure legal representation. I have faced difficulties in finding a lawyer willing to take on my case. My limited financial resources are not making this task easier. I am not choosing to represent myself out of preference but out of necessity.

9. No Intentional Misconduct: There has been no intentional misconduct, bad faith, or abuse of the judicial process on my part. Any mistakes made were honest errors due to my lack of legal training.

10. Impact of Sanctions: Sanctions would unfairly prejudice my ability to seek justice and could potentially deter other individuals from pursuing their rights under the ADEA and other employment laws.

11. Public Interest: My case against Oregon Health and Science University has broader implications for public interest, particularly in protecting the rights of vulnerable employees and ensuring that public institutions adhere to the law.

12. Equity and Fairness: The principles of equity and fairness require that it would be unjust to penalize me for errors stemming from my status as a pro se litigant and personal circumstances cited above. Access to justice should not be denied due to errors related to being a pro se plaintiff.

13. Continuous Improvement: I have made every effort to educate myself about legal procedures and improve my filings over time, and I have taken a very proactive approach to addressing my limitations.

In light of these circumstances, I respectfully request that the Court refrain from imposing sanctions. I assure the Court that any mistakes made were unintentional and due to the factors outlined above. I am committed to correcting these errors

and respectfully request the opportunity to do so without the additional burden of sanctions, which would jeopardize my ability to continue this case and severely impact my life. I recognize that courts are adjusting to, and dealing with, new technology including AI and ChatGBT. I am clear now that it is an unreliable source. I am now fully aware that this technology is a burden on the court and has potential for severe consequences for a pro se plaintiff. I will not use it going forward.

Given the challenges I have outlined, I respectfully request that this Court provide me with some legal assistance as a pro se plaintiff. Navigating the complexities of this case against a well-resourced Defendant is exceedingly difficult without adequate legal support. Assistance from the Court would greatly help ensure that I can effectively present my case and defend my rights.

Thank you for your consideration.

DATED this 10th day of December, 2024.

Respectfully submitted,

Nabil Khlafa

Pro Se Plaintiff

A handwritten signature in black ink, appearing to read "Nabil Khlafa".

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of December, 2024, I served the foregoing

PLAINTIFF'S LETTER TO SHOW CAUSE

on the following party at the following address:

Karen O'Kasey, kok@hartwagner.com

HART WAGNER LLP

1000 S.W. Broadway, Twentieth Floor Portland, Oregon 97205

Of Attorneys for Defendants

by e-mailing and by mailing a true and correct copy thereof, certified by me as such, placed in sealed envelopes addressed as set forth above, and deposited in the U.S. Post Office at Portland, Oregon on said day with postage prepaid.

Nabil Khlaifa

Pro Se Plaintiff

